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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,534	03/30/2004	Russell J. Palum	87129PCW	3301

7590 11/13/2006

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EXAMINER

LUU, THANH X

ART UNIT	PAPER NUMBER
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2878

DATE MAILED: 11/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/812,534

Applicant(s)

PALUM ET AL.

Examiner

Thanh X. Luu

Art Unit

2878

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 10, 2006 has been entered.

Claims 1 and 16 are currently pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 16, it is unclear in its given context how "incident light", "principal light", "image forming light" and "reflective light" are related. It is unclear how many lights are being claimed. Furthermore, it is unclear what "remaining" reflective light refers to, i.e. remaining from what?

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 16, as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Kitagishi (U.S. Application Publication 2002/0186310).

Regarding claims 1 and 16, Kitagishi discloses (see Figs. 1 and 2) an image sensor, comprising: a plurality of pixels (within CCD 7) for absorbing light; and an absorptive material (see paragraph [0049]) disposed in a color filter (6) spanning the pixels and that absorbs wavelengths at a transition (see Fig. 2) between a desired bandpass and rejection band, wherein light (light reaching the pixels) entering the image sensor passes through the absorptive material once and a reflective light (causing ghosting) passes through the absorptive material three times (see Fig. 4). Kitagishi also discloses (see paragraph [0004]) a camera.

6. Claims 1 and 16, as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Sano et al. (U.S. Patent 5,514,888).

Regarding claims 1 and 16, Sano et al. disclose (see Fig. 23) an image sensor, comprising: a plurality of pixels (at 2) for absorbing light; and an absorptive material (absorptive color material in color filter 13) disposed in a color filter (13) spanning the pixels and that absorbs wavelengths at a transition (at a certain color, R; G or B) between a desired bandpass and rejection band, wherein light (light reaching the pixels) entering the image sensor passes through the absorptive material once and a reflective light (causing ghosting) passes through the absorptive material three times (see Fig. 23).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1 and 16, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Takanashi et al. (UK Patent Application GB 2131599) in view of Kitagishi.

Regarding claims 1 and 16, Takanashi et al. disclose (see Fig. 7) an image sensor, comprising: a plurality of pixels (of 7) for absorbing light; and an absorptive material (IR absorptive within A) spanning the pixels and that absorbs wavelengths at a transition (see Fig. 2) between a desired bandpass and rejection band, wherein light entering the image sensor passes through the absorptive material once and a reflective light passes through the absorptive material three times. Takanashi et al. do not specifically disclose the absorptive material disposed in a color filter. Kitagishi teach (see paragraph [0063]) that an IR absorptive filter may be positioned in various positions. Furthermore, choosing the location of an absorptive filter is a matter of design choice and would require only routine skill in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the absorptive material in the color filter of Takanashi et al. in view of Kitagishi to obtain a more compact device as desired.

Response to Arguments

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9. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh X. Luu whose telephone number is 571-272-2441. The examiner can normally be reached on M-F 6:00AM-3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on 571-272-2328. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Thanh X. Luu
Primary Examiner
Art Unit 2878

11/2006